

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF:

JAMES MICHAEL PERKINS

Debtor

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CASE NO. 05-10504

DECISION AND ORDER

At Fort Wayne, Indiana, on August 2, 2005.

The notice of motion and opportunity to object which Americredit Financial Services (hereinafter "Movant") served in connection with its agreed entry modifying the debtor's chapter 13 plan does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not correctly state the date upon which the agreed entry was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The agreed entry was filed on May 25, 2005, while the notice refers to an agreed entry filed on May 20, 2005.
- b. The notice is not accompanied by a copy of the court's order authorizing notice to creditors and establishing deadlines for filing objections. N.D. Ind. L.B.R. B-2002-2(e).
- c. The notice is not "dated as of the date it was served." N.D. Ind. L.B.R. B-2002-2(c)(7).

Since this is the second time that creditors and parties in interest have not been given appropriate notice of the agreed entry and the opportunity to object thereto, confirmation of the chapter 13 plan is DENIED, without prejudice to resubmission.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court